

**DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATIVE DIGEST
2006 Legislative Session**

A. GENERAL CONSUMER PROTECTION BILLS

(1) BUSINESS PRACTICES

AB 695 Mullin	<u>Retail Sales</u> Would have required a retailer to provide customers with receipts that remain legible for the entire return period; required a retailer who maintains customer-specific return information, to display its policy; prohibited retailers from sharing customer-specific return information, with certain exceptions, and limited the use of the information; authorized a retailer to offer discounts or other sales incentives to a customer upon the return of goods.	Vetoed
AB 768 Nation	<u>Touch Screen Devices</u> Requires manufacturers or distributors of touch screen devices for self service check in, on or after January 1, 2009, to offer for availability devices that contain the necessary technology to allow the visually impaired to enter any personal information to conduct a transaction and use these devices independently and without the assistance of others.	Enacted Chapter 546
AB 2043 Banking & Finance Committee	<u>Debt Collection: Business: Identity Theft</u> Extends protections, such as temporary debt relief, given to consumer debtors who have been victims of identity theft to non-consumer debtors, such as firms, corporations, and other businesses.	Enacted Chapter 521
AB 2069 Maze	<u>Public Employment Applicant Qualifications</u> Would have provided that if a public agency establishes a job description or classification for a specific position that requires possession of a particular degree, that degree must be from an accredited or approved institution.	Vetoed
AB 2251 Evans	<u>Reproductive Health Care Services: Confidentiality of Personal Information</u> Prohibits any person, business or association from knowingly posting or displaying on the Internet specified personal information of providers, employees, volunteers, or patients of a reproductive health services facility.	Enacted Chapter 486
AB 2291 Evans	<u>Vehicles: Dealer: Data Security</u> Requires auto manufacturers and others with access to information on an auto dealer's computer system to provide safeguards to protect that information when accessing, modifying, or extracting it.	Enacted Chapter 353

AB 2664 Houston	<u>Health Studio Contracts</u> Clarifies that a health studio entering into a contract for health studio services requiring payments of less than \$1,500 is not required to comply with extended cancellation timelines for contracts requiring payments of \$1,500 or more.	Enacted Chapter 219
AB 2987 Nunez	<u>Cable and Video Service</u> Establishes a state issued franchise system for video service providers within the California Public Utilities Commission, and mandates how franchises will be issued.	Enacted Chapter 700
SB 202 Simitian	<u>Privacy: Telephone Calling Pattern Record Or List</u> Prohibits purchasing or selling a telephone calling pattern record or list without the written consent of the subscriber.	Enacted Chapter 626
SB 263 Speier	<u>Sellers of Travel: Regulation</u> Restricts the Travel Consumer Restitution Fund's ability to deny claims from aggrieved consumers, provide administrative relief to Sellers of Travel (SOT) by allowing them to provide receipts rather than tickets, provides a streamlined registration renewal process, and requires the Attorney General to suspend the registration of any person convicted of a felony violation of the SOT law and prohibits that person from registering as a SOT and from participating in the Fund for seven years.	Enacted Chapter 628
SB 1666 Bowen	<u>Privacy: Pretexting Telephone Records</u> Would have amended the definition of personal information to include telephone calling pattern records, prohibited a person from obtaining personal information through fraudulent means, as defined, and provided for remedies for a violation of this bill's provisions.	Died on Assembly Inactive File
SB 1699 Bowen	<u>Financial Transactions: Privacy</u> Beginning January 1, 2009, makes it illegal for electronically printed receipts to display more than the last five digits of a person's debit or credit card number or the expiration date on any receipt retained by the retailer and either signed by the cardholder, or not signed because the cardholder used a personal identification number to complete the transaction.	Enacted Chapter 682
SB 1737 Figueroa	<u>Consumer Rebates</u> Would have imposed certain requirements on companies that offer consumer rebates, including requirements that a company mail a rebate to a consumer no later than 60 days from specified events, such as receipt of the rebate request or completion of a specified period of time to use a service.	Vetoed

(2) COURT SYSTEM & LEGAL SERVICES

AB 1363 Jones	<u>Guardianship Reform Act of 2006</u>	Enacted Chapter 493
	Enacts the Omnibus Conservatorship and Guardianship Reform Act of 2006 to significantly restructure the courts' review of conservatorships and makes numerous changes to the Probate Code.	
AB 2227 Chu	<u>Courts: Advisory Panel on Language Access</u>	Vetoed
	Would have required a Blue Ribbon Panel on Language Access, which would have reported to the Legislature and the Judicial Council on the existing certification system and recommended changes to ensure competence, improved fairness and transparency in the certification process, and ensured access to the profession by competent and qualified candidates.	
AB 2301 Judiciary Committee	<u>State Bar: Legal Services to the Poor</u>	Enacted Chapter 165
	Authorizes the State Bar of California to collect voluntary financial contributions from attorneys to support nonprofit organizations that provide free legal services to the poor. In order for the program to be implemented by its 2008 deadline, the State Bar will be required to create a task force to analyze the program and propose a method for collection and distribution of the voluntary contributions.	
AB 2303 Judiciary Committee	<u>Judiciary: Omnibus Bill</u>	Enacted Chapter 567
	AB 2303, the Assembly Judiciary Committee's "Civil Omnibus" bill, makes various non-controversial changes related to civil law codes that affect, among other things, paralegals and the Car Buyer's Bill of Rights.	
AB 2455 Nakanishi	<u>Small Claims Court: Jurisdiction</u>	Enacted Chapter 150
	Revises the jurisdiction of the small claims court to increase the monetary limitation on demands for an action brought by a natural person against the Registrar of the Contractors' State License Board, acting as a defendant guarantor for a licensee, from \$4,000 to \$7,500.	
AB 3014 Koretz	<u>Acupuncture: Asian Massage</u>	Vetoed
	Would have defined the term "Asian massage" as used in the Acupuncture Licensure Act, and require the Acupuncture Board to adopt regulations defining other terms in the definition of "Asian massage" in consultation with other specified groups.	
SB 1568 Dunn	<u>Law Schools and Law Degree Programs</u>	Enacted Chapter 534
	Shifts the regulatory and oversight responsibilities over unaccredited law schools from the Bureau for Private Postsecondary and Vocational Education to the Committee of Bar Examiners of the State Bar of California, effective January 1, 2008.	

(3) INTERNET / e-COMMERCE / e-GOVERNMENT

AB 2415
Nunez

Wireless Technology: Security

Enacted
Chapter 860

Requires a device that includes an enabled wireless access point, if the device is manufactured on or after October 1, 2007, to provide a warning that advises a consumer on how to protect his or her personal information prior to using the device.

AB 2927
Leno

Public Records

Vetoed

Would have required as of January 1, 2008, that any state agency that publishes an Internet Website to include on the homepage of that site specified information that is not exempt from disclosure under the Public Records Act about how to contact the agency, how to request records under the Act, and a form for submitting online requests for records.

SB 1388
Poochigian

Unlawful Phishing: Identity Theft

Died on
Assembly
Appropriations
Suspense File

Would have provided that engaging in unlawful phishing with the intent to defraud is a crime punishable by a fine not to exceed \$1,000, imprisonment in a county jail not to exceed one year or by both that fine and imprisonment, or by a fine not to exceed \$10,000, imprisonment in a state prison from 16 months to three years or by both that fine and imprisonment.

(4) LANDLORD TENANT / COMMON INTEREST DEVELOPMENTS

AB 1169
Torrico

Real Property: Rentals

Enacted
Chapter 842

Re-enacts a statute (SB 1403 Kuehl, Chapter 301, Statutes of 2002) that sunset on January 1, 2006, which required the owner of a residential rental property to give 60-day notice before terminating a month-to-month tenancy on a tenant residing in the dwelling for one year or more and modifies the prior statute to specify that the 60-day notice requirement only applies where every tenant and resident in the dwelling has lived in the dwelling for one year or more.

AB 2100
Laird

Common Interest Developments: Reserve Funding

Enacted
Chapter 188

Requires the board of directors of a common interest development to provide additional information to members in its annual budget, including a statement whether repairs or replacement of any major components have been deferred or cancelled, and prohibits a member of the board of directors from participating in a decision in which the board member has a material financial interest.

AB 2624
Houston

Common Interest Developments: Nonjudicial Foreclosure

Enacted
Chapter 575

AB 2624 is a clean up measure for SB 137 (Ducheny, Chapter 452, Statutes of 2005) enacted last year which makes several non-controversial technical and conforming amendments to the non-judicial foreclosure law and strengthens important pieces of the foreclosure process.

AB 2712 Leno	<u>Housing: Sex Offenders</u>	Vetoed
	Would have provided that landlords of residential property who rent to registered sex offenders do not incur any duties to their other tenants, other than the duty to provide notice of the Megan's Law Internet Web site address and that on delivery of this notice the landlord is not required, and has no duty in law to provide a tenant or transferee of residential real property, any additional information regarding proximity of sex offenders.	
SB 540 Kehoe	<u>Tenancy: Signs and Flags</u>	Vetoed
	Would have prohibited a landlord from prohibiting a tenant from posting or displaying campaign signs relating to an election or legislative vote, with some restrictions.	
SB 551 Lowenthal	<u>Common Interests Development Bureau</u>	Failed In Assembly Business & Professions Committee
	Would have established the Common Interest Development Bureau (Bureau) within the Department of Consumer Affairs (Department), to be funded by a fee on common interest development (CID) associations. The Bureau would have been required, among other things, to offer training materials and courses to CID directors, officers, and owners, in subjects relevant to the operation of a CID and on the rights and duties of an association or owner.	
SB 1560 Battin	<u>Common Interest Developments: Governance</u>	Enacted Chapter 310
	This urgency measure revises and clarifies certain technical aspects of two bills enacted last year that made significant changes to the Davis-Stirling Act governing common interest developments, specifically, clarifies confusing issues dealing with voting as a result of SB 61(Battin, Chapter 450, Statutes of 2005).	

(5) MISCELLANEOUS CONSUMER ISSUES

AB 409 Yee	<u>Disciplinary Actions: Suspension: Barbering & Cosmetology</u>	Enacted Chapter 381
	Provides that the Board of Barbering and Cosmetology may temporarily suspend any license without advance hearing, pursuant to an inspection of an establishment where health and safety laws have been violated and a citation issued, if in the opinion of the executive officer of the board or other duly authorized employees, that the action is necessary to protect the public health and safety.	
AB 594 Karnette	<u>Personal Property: Rental-Purchase Agreements</u>	Enacted Chapter 410
	Revises various provisions relating to rent-to-own transactions.	
AB 630 Chu	<u>Immigration Consultants</u>	Enacted Chapter 605
	Requires the Secretary of State to perform background checks on immigration consultants and post their pictures on the Website, and	

provides the Secretary of State with regulatory and enforcement authority against immigration consultants that violate the law.

AB 634
Lieber

International Marriage Brokers

**Died in Senate
Appropriations
Suspense**

Would have required an international marriage broker to file a \$50,000 bond and a disclosure form, with specified information, with the Secretary of State for the benefit of any person damaged by any fraud, misstatement, misrepresentation, unlawful act or omission, or failure to provide services.

AB 768
Nation

Touch Screen Devices

**Enacted
Chapter 546**

Requires manufacturers or distributors of touch screen devices for self service check in, on or after January 1, 2009, to offer for availability devices that contain the necessary technology to allow the visually impaired to enter any personal information to conduct a transaction and use these devices independently and without the assistance of others.

AB 2360
Lieu

Medical Devices: Ultrasound

Vetoed

Would have prohibited the sale, lease, or distribution of ultrasound diagnostic imaging machines, with specified exceptions, until January 1, 2017.

AB 2664
Houston

Health Studio Contracts

**Enacted
Chapter 219**

Clarifies that a health studio entering into a contract for health studio services requiring payments of less than \$1,500 is not required to comply with extended cancellation timelines for contracts requiring payments of \$1,500 or more.

AB 2805
Blakeslee

Advanced Health Care Directives

**Enacted
Chapter 579**

This urgency measure provides that electronic advanced healthcare directives or powers of attorney for health care purposes are legally sufficient provided that certain requirements are met.

AB 3020
Montanez

Real Estate: Timeshare Developments

**Enacted
Chapter 429**

Further explains how delinquency fees may be collected by the timeshare developer and allows timeshare developers to collect fees with a 12 percent interest rate instead of the constitutionally prescribed 5, 7, or 10 percent under certain conditions.

SB 247
Perata

State Athletic Commission

**Enacted
Chapter 465**

Re-establishes the Commission, extends neurological examination requirements for boxers for initial licensure and license renewal to all contestants, requires the Commission to adopt regulations establishing a medical examination process, extends the \$100,000 limit on the fee on admissions revenues for boxing events to apply to all contests and requires the Commission to report on the impact of these limits, and authorizes the Commission to enter into special contracts for which normal fees collected by the Commission do not apply so that the Commission can establish contracts with tribal authorities.

**SB 263
Speier**

Sellers of Travel: Regulation

**Enacted
Chapter 628**

Restricts the Travel Consumer Restitution Fund's ability to deny claims from aggrieved consumers, provide administrative relief to Sellers of Travel (SOT) by allowing them to provide receipts rather than tickets, provides a streamlined registration renewal process, and requires the Attorney General to suspend the registration of any person convicted of a felony violation of the SOT law and prohibits that person from registering as a SOT and from participating in the Fund for seven years.

**SB 1397
Lowenthal**

Athletic Trainers: Registration

Vetoed

Would have prohibited, on and after July 1, 2007, a person from representing themselves as an "athletic trainer," "certified athletic trainer," "registered athletic trainer," or other variation of these terms, unless that person was registered as an athletic trainer by an athletic training organization pursuant to the provisions of this bill, and provided that a violation of this prohibition would have been an unfair business practice.

**SB 1542
Migden**

Vehicles: Key Information Access

**Enacted
Chapter 433**

Establishes a secure set of procedures to allow vehicle owners to obtain replacement keys for their vehicles through a registered locksmith when specific information is needed to produce a replacement "smart key."

**SB 1737
Figueroa**

Consumer Rebates

Vetoed

Would have imposed certain requirements on companies that offer consumer rebates, including requirements that a company mail a rebate to a consumer no later than 60 days from specified events, such as receipt of the rebate request or completion of a specified period of time to use a service.

(6) NEW / PROPOSED REGULATORY PROGRAMS

**AB 770
Mullin**

Common Interest Developments: Ombudsperson

Vetoed

Would have established an Office of the Common Interest Development Ombudsperson within the Department of Consumer Affairs, to be funded by a fee on common interest development associations.

**AB 2862
Ridley-
Thomas**

Sale of Animals at Pet Stores

Vetoed

Would have required the Department of Consumer Affairs to adopt regulations to regulate the care and handling of companion animals sold to the general public at pet stores and retail outlets.

**SB 1550
Figueroa**

Professional Fiduciaries Act

**Enacted
Chapter 491**

Establishes the Professional Fiduciaries Bureau in the Department of Consumer Affairs to license and regulate professional fiduciaries.

(7) TELECOMMUNICATIONS

AB 1010
Ruskin

Telecommunications: Mobile Telephony Services

Would have required cell phone service providers to offer a 30-day grace period during which a new customer could rescind the contract if the customer finds the service unsatisfactory.

**Died in
Assembly
Conference
Committee**

SB 1068
Escutia

Telecommunications: Customer Protection

Would have required the Public Utilities Commission to establish and enforce telephone consumer protection rules by July 1, 2006.

**Failed in
Assembly
Utilities &
Commerce
Committee**